

# **EXHIBIT A**

**Katz, Seth**

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**From:** Jason Goodman <[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)>  
**Sent:** Thursday, April 14, 2022 9:04 PM  
**To:** Heavner, B. Brett  
**Cc:** Esquenet, Margaret; Brennan, Mary Kate; Katz, Seth; Ecklund, Steve; [bmiddlebrook@grsm.com](mailto:bmiddlebrook@grsm.com); John Mills  
**Subject:** Re: Goodman v. Sharp et al. 21-cv-10627 (S.D.N.Y.)

**EXTERNAL Email:**

I believe you are deliberately delaying to make this process more difficult than it needs to be. If I have not received a draft from you within the next 60 minutes I will presume you do not intend to file jointly.

On Apr 14, 2022, at 6:06 PM, Heavner, B. Brett <[b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com)> wrote:

Dear Mr. Goodman,

As plaintiff, it was your responsibility to get these materials to us substantially ahead of the deadline. As a courtesy to you we first reminded you of this responsibility on Monday, April 11 and again reminded you on Tuesday, April 12. You nonetheless waited until Wednesday, April 13 to send us drafts. We are now taking the time we need to revise the documents. We note, moreover, that there do not appear to be any time limitations on pro se filings in the court's rules. However, as a further courtesy to you, we will file the documents by EOD today. So, they will be filed in time.

Brett Heavner

**B. Brett Heavner**

Attorney at Law

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW, Washington, DC 20001-4413  
202.408.4073 | fax: 202.408.4400 | [b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

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**From:** Jason Goodman <[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)>  
**Sent:** Thursday, April 14, 2022 5:38 PM  
**To:** Heavner, B. Brett <[b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com)>  
**Cc:** Esquenet, Margaret <[margaret.esquenet@finnegan.com](mailto:margaret.esquenet@finnegan.com)>; Brennan, Mary Kate <[MaryKate.Brennan@finnegan.com](mailto:MaryKate.Brennan@finnegan.com)>; Katz, Seth <[seth.katz@finnegan.com](mailto:seth.katz@finnegan.com)>; Ecklund, Steve <[steve.ecklund@finnegan.com](mailto:steve.ecklund@finnegan.com)>; [bmiddlebrook@grsm.com](mailto:bmiddlebrook@grsm.com); John Mills <[jtmills@grsm.com](mailto:jtmills@grsm.com)>  
**Subject:** Re: Goodman v. Sharp et al. 21-cv-10627 (S.D.N.Y.)

**EXTERNAL Email:**

Today is over, it is now tonight. I provided these yesterday so we could file prior to 5pm. Pro se electronic filing works differently than it does for admitted bar members. You have now introduced the risk that these documents will not be filed in time.

On Apr 14, 2022, at 5:18 PM, Heavner, B. Brett <[b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com)> wrote:

Jason,

We agree that the case plan and letter should be filed today. We are working on our part of the documents and will send it to you later today.

Brett

**B. Brett Heavner**

Attorney at Law

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

901 New York Avenue, NW, Washington, DC 20001-4413

202.408.4073 | fax: 202.408.4400 | [b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

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**From:** Jason Goodman <[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)>

**Sent:** Thursday, April 14, 2022 5:10 PM

**To:** Heavner, B. Brett <[b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com)>

**Cc:** Esquenet, Margaret <[margaret.esquenet@finnegan.com](mailto:margaret.esquenet@finnegan.com)>; Brennan, Mary Kate <[MaryKate.Brennan@finnegan.com](mailto:MaryKate.Brennan@finnegan.com)>; Katz, Seth <[seth.katz@finnegan.com](mailto:seth.katz@finnegan.com)>; Ecklund, Steve <[steve.ecklund@finnegan.com](mailto:steve.ecklund@finnegan.com)>; [bmiddlebrook@grsm.com](mailto:bmiddlebrook@grsm.com); John Mills <[jtmills@grsm.com](mailto:jtmills@grsm.com)>

**Subject:** Re: Goodman v. Sharp et al. 21-cv-10627 (S.D.N.Y.)

**EXTERNAL Email:**

The court is now closed and as far as I can see there has been no ruling on the continuance. It would seem to be in our mutual best interest to file the case plan and letter before midnight tonight. Do you have any edits to the drafts I have sent three times with no response?

On Apr 13, 2022, at 8:44 AM, Jason Goodman  
<[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)> wrote:

Mr. Heavner,

In the event the continuance is not granted, here are the draft documents for your review.

<Goodman v Sharp Draft CMP2.docx>

<Draft join letterV3.docx>

On Apr 12, 2022, at 12:21 PM, Heavner, B. Brett  
<[b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com)> wrote:

Mr. Goodman,

As you know, Mr. Scherma is the Chairman and CEO of ATAS. The allegations set forth in your Amended Complaint relate to Mr. Scherma's role in these positions at ATAS. Finnegan represents both ATAS and Mr. Scherma in this action.

Under California law, the attempted service on Mr. Scherma was invalid. Cal. Civ. Proc. Code § 415.20(b) (alternative method of service is inappropriate under these circumstances). Mr. Scherma, however, has authorized us to waive service on his behalf pursuant to Fed. R. Civ. P. 4(d), so the issue is moot. Please provide us with the necessary waiver of service documents as described in Fed. R. Civ. P. 4(d)(1).

Please immediately provide us with proposed drafts of (1) a joint letter, and (2) a proposed joint case management plan which, as you know, must be filed with the Court no later than **Thursday, April 14**.

Yours very truly,

Brett Heavner

**B. Brett Heavner**

Attorney at Law

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW, Washington, DC 20001-4413  
202.408.4073 | fax: 202.408.4400  
| [b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

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**From:** Jason Goodman <[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)>  
**Sent:** Tuesday, April 12, 2022 6:40 AM  
**To:** Heavner, B. Brett <[b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com)>  
**Cc:** Esquenet, Margaret <[margaret.esquenet@finnegan.com](mailto:margaret.esquenet@finnegan.com)>; Brennan, Mary Kate <[MaryKate.Brennan@finnegan.com](mailto:MaryKate.Brennan@finnegan.com)>; Katz, Seth <[seth.katz@finnegan.com](mailto:seth.katz@finnegan.com)>; Ecklund, Steve <[steve.ecklund@finnegan.com](mailto:steve.ecklund@finnegan.com)>; [bmiddlebrook@grsm.com](mailto:bmiddlebrook@grsm.com); John Mills <[jtills@grsm.com](mailto:jtills@grsm.com)>  
**Subject:** Re: Goodman v. Sharp et al. 21-cv-10627 (S.D.N.Y.)

**EXTERNAL Email:**

What was invalid about it? I asked almost everyone on this email list if you represented him and everyone said no, so I served him. I believe you are attempting to deceive me and you do not represent Mr. Scherma.

On Apr 11, 2022, at 9:17 PM, Heavner, B. Brett  
<[b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com)> wrote:

Mr. Goodman,

We understand that you recently attempted to serve Mr. Scherma in connection with this litigation. Your service attempt was invalid under California law. Cal. Civ. Proc. Code § 415.20(b). That said, pursuant to Fed. R. Civ. P. 4(d), Mr. Scherma has authorized us to waive service on his behalf. Please provide us with the necessary waiver of service documents as described in Fed. R. Civ. P. 4(d)(1).

Also, as you know, pursuant to the Court's March 18, 2022 Order (Dkt. 44), in preparation for the April 22, 2022 initial pretrial conference the parties are required to submit the following by **Thursday, April 14, 2022**: 1) a joint letter of no more than five pages, and 2) a proposed joint case management plan. Please immediately provide proposed drafts of these two documents.

Yours very truly,

Brett Heavner

**B. Brett Heavner**

**Attorney at Law**

Finnegan, Henderson, Farabow, Garrett &  
Dunner, LLP  
901 New York Avenue, NW, Washington, DC  
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202.408.4073 | fax: 202.408.4400  
| [b.brett.heavner@finnegan.com](mailto:b.brett.heavner@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

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